



W.A.No.2726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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- 1.State of Tamil Nadu,
rep. by the Secretary to Government,
Environment & Forests (F2) Department,
Secretariat, Chennai-9.
- 2.The Principal Chief Conservator of Forests,
1, Jeenis Road,
Panagal Building,
Saidapet, Chennai-15.

.. Appellants

Vs

- 1.G.Ramalingam
- 2.E.Muniyan (died)
- 3.M.Kiliyammal
- 4.M.Chittibabu
- 5.M.Duraisamy
- 6.C.Vasantha

.. Respondents

(Respondent Nos.3 to 6 substituted as legal heirs of the deceased second respondent as per the order dated 23.2.2024 made in C.M.P.No.22198 of 2023 in W.A.No. SR 75812 of 2023)



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 1.2.2022 passed by the learned Single Judge in W.P.No.25907 of 2015.

For the Appellants : Mr.T.K.Saravanan
Government Advocate

For the Respondents : Mr.K.Jenitha
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 1.2.2022 passed by the learned Single Judge in W.P.No.25907 of 2015.

2. The writ petition has been filed by respondents 1 and 2 to quash the order of the second appellant dated 1.12.2014 and to direct the appellants to extend the benefits of G.O.Ms.No.95, E&F(V2) Department, dated 7.8.2009, with effect from the date of completion of 10 years.

3. The learned Single Judge, while allowing the writ petition, granted liberty to respondents 1 and 2 to make a representation to



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the second appellant along with a copy of the order as well as the service certificates to establish that they have put in 10 years of service. On receipt of such a representation, the second appellant was directed to pass appropriate orders in favour of respondents 1 and 2 by including their names in the State-wide seniority list and appoint them as Supernumerary Plot Watchers in the special time scale of pay with effect from 18.12.2013. Aggrieved by the same, the appellants have preferred the instant appeal.

4. Learned Government Advocate appearing for the appellants submitted that the first respondent has worked as a daily wager only for 2 years 2 months and the deceased second respondent has worked as daily wager only for 5 years 9 months. He would submit that the learned Single Judge ought to have looked into the circumstances leading to the issuance of G.O.Ms.No.95, dated 7.8.2009, by which all the persons who were in State-wide seniority list were regularised as Supernumerary Plot Watchers/Plot Watchers in a regular time scale of pay, and also considered that the first respondent and the deceased second respondent worked only for 2 years 2 months and 5 years 9 months, respectively. Since



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respondents 1 and 2 have not completed 10 years of service at the relevant point of time, they are not entitled to be considered for inclusion in the State-wide seniority list.

5. Learned Government Advocate further submitted that the direction of the learned Single Judge is positive in nature and without submitting the relevant documents to show that respondents 1 and 2 have completed 10 years of service, they are claiming to include their names in the State-wide seniority list and to appoint them as Supernumerary Plot Watchers.

6. Learned Government Advocate added that the claim of the writ petitioners will be considered if they submit the relevant service certificates to show that they have rendered 10 years of service.

7. Learned counsel appearing for the first respondent submitted that the first respondent has completed 10 years of service and to that effect, the first respondent has also produced relevant service certificate issued by the appellants. Therefore, the learned Single Judge was right in directing the appellants to include the names of



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writ petitioners in the State-wide seniority list and appoint them as Supernumerary Plot Watchers.

8. We have considered the rival submissions and also perused the materials on record.

9. On a reading of the penultimate paragraph of the order of the learned Single Judge, we find that the learned Single Judge issued a positive direction to the second appellant to pass appropriate orders in favour of the writ petitioners by including their names in the State-wide seniority list and appoint them as Supernumerary Plot Watchers in the special time scale of pay with effect from 18.12.2013 onwards.

10. It is the submission of learned Government Advocate that the writ petitioners have not submitted any proof and/or documents to establish that they have completed 10 years of service. No shred of material has been produced in support of the plea made by learned counsel for the first respondent that the first respondent had submitted service certificates to the authority concerned.



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11. In the light of the above, it would be appropriate to modify the positive direction issued by the learned Single Judge in favour of respondents 1 and 2, to the following effect:

- (i) The writ petitioners/respondent No.1 and legal heirs of the second respondent are directed to submit their claim along with the requisite documents to the authority concerned within a period of two weeks from the date of receipt of a copy of this judgment; and
- (ii) The appellants shall pass orders on the claim made by the writ petitioners/respondent No.1 and legal heirs of the second respondent, on merits and in accordance with law and the prevalent policy at the relevant time, within a period of four weeks thereafter.

12. With the above modification, the writ appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P.No.19935 of 2024 is closed.



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(D.K.K., ACJ.) (P.B.B., J.)
10.09.2024

Index : Yes/No
NC : Yes/No
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